STATUTORY INSTRUMENTS

1982 No. 102

WATER, ENGLAND AND WALES

The Yorkshire Water Authority (Water Supply Code) Order 1982

Made - - - 29*th January* 1982

Coming into Operation 15*th February* 1982

The Secretary of State for the Environment, in exercise of his powers under section 32 of the Water Act 1945(a) and of all other powers enabling him in that behalf, hereby orders as follows:— Citation and commencement

1.—(1) This order may be cited as the Yorkshire Water Authority (Water Supply Code) Order 1982 and shall come into operation on 15th February 1982.

(2) This order and the Yorkshire Water Authority Orders 1974 to 1981 may be cited together as the Yorkshire Water Authority Orders 1974 to 1982.

2. In this order, unless the context otherwise requires, expressions to which meanings are assigned by the Third Schedule have the same respective meanings; and—

"the Authority" means the Yorkshire Water Authority;

"the local enactments" means any local Act of Parliament, any statutory order or any provision in any such Act of Parliament or statutory order, being a provision in force immediately before 1st April 1974 and relating to the supply of water by the Authority within the water supply area and not repealed by this order;

"the Third Schedule" means the Third Schedule to the Water Act 1945;

"the undertaking" means the water undertaking of the Authority;

"the water supply area" means the area within which it is the duty of the Authority to supply water under Part II of the Water Act 1973(b).

3.—(1) Subject to the provisions of this section, the Third Schedule shall apply to the undertaking throughout the water supply area and is hereby incorporated with this order and with each of the local enactments. Application of Third Schedule

(2) For the purpose of subsection (1) of this section the following provisions of the Third Schedule shall be excepted:—

Section 2	(Permissible limits of deviation)
Section 7	(Power to acquire easements for underground works)

(a) 1945 c. 42.

(b) 1973 c. 37.

Section 46	(Water rates)
Section 53	(Liability to water rates where buildings supplied by common pipe)
Section 54	(Water rates on certain houses may be demanded from the owners)
Section 55	(Making and dates for payment of water rates)
Section 56	(Effect on water rates of alteration in valuation list)
Section 57	(Discount for prompt payment of water rates and charges)
Part XV	(Financial provisions applicable to water companies).

(3) The provisions of the Third Schedule mentioned in column (1) of Schedule 1 to this order as applied and incorporated by this order shall have effect subject to the modifications mentioned in column (2) of the said Schedule 1.

Repeal of enactments

4. The following enactments are hereby repealed:—

(*a*) so much of any of the local enactments as incorporates or applies provisions of the Waterworks Clauses Act 1847(**a**) and the Waterworks Clauses Act 1863(**b**) or either of those Acts relating to the same subject matter as the provisions of the Third Schedule incorporated by this order;

(*b*) save in so far as it may be material for the purpose of any unrepealed enactment, any provision of the local enactments which enacts that words, terms or expressions to which meanings are assigned by the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 shall have in any of the local enactments the same respective meanings;

(*c*) so much of any of the local enactments as incorporates or applies without modification, or with a modification relating to the same subject matter as a modification made by this order, the provisions of the Third Schedule incorporated and applied by this order;

(*d*) any such of the enactments mentioned in Schedule 2 to this order, to the extent specified in that Schedule, as are not repealed by the foregoing provisions of this section, and

(*e*) so much of any of the local enactments as incorporates with, or extends or applies to any purpose of, that enactment the provisions of any section or part of a section repealed by the foregoing provisions of this section.

General provisions as to repeal

5. Without prejudice to the operation of section 16 of the Interpretation Act 1978(**c**)—

(*a*) all agreements and other instruments entered into or made before the commencement of this order, under any enactment repealed or amended by this order, by or with the Authority or any person acting on behalf of the Authority or by or with any other person to whose rights or liabilities the Authority have succeeded, and in force immediately before the commencement of this order, shall be as binding and of as full force and effect in every respect against or in favour of the Authority, and be enforceable as fully and effectually, as if this order had not been made; and

(**a**) 1847 c. 17. (**b**) 1863 c. 93. (**c**) 1978 c. 30.

(*b*) all notices and demands given or made under any enactment repealed or amended by this order and in force immediately before the commencement of this order shall continue in force in like manner and to the like extent as if this order had not been made.

SCHEDULE 1

MODIFICATION OF PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 1 (Definitions, &c.)	In the definition of "communication pipe" after the word "stopcock" where it secondly occurs in paragraph (i) there shall be inserted the words "the box or pit in which it is enclosed and any cover thereto" and at the end of paragraph (ii) there shall be added the words "and the box or pit in which the stopcock is enclosed and any cover thereto;". In the definition of "service pipe" after the words "of any pipe" there shall be inserted the words "(including any ferrule or stopcock attached thereto)". In the definition of "supply pipe" after the words "of any service pipe" there shall be inserted the words "(including any ferrule or stopcock attached thereto)".
Section 3 (Limit on powers of undertakers to take water)	At the end of the section there shall be added the words "(including any enactment passed or made before the application of this section to the undertaking).".
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	At the end of the section there shall be inserted the following subsection:— "(6) This section shall apply to any wires, posts, conductors or other apparatus laid or erected before the application of this section to the undertaking for the purposes and in the manner specified in this section or for like purposes and in like manner as if they had been laid or erected under the powers conferred by this section.".

Provisions applied (1)	Modifications (2)
Section 20 (Conditions as to laying mains outside limits of supply)	At the end of the section there shall be inserted the following subsection:— "(4) The foregoing provisions of this section shall not apply in any case where the undertakers are laying mains in streets forming the boundary of their limits of supply in exercise of the powers conferred on them by section 43 of this Schedule as modified by the special Act.".
Section 21 (Power to lay service pipes, &c.)	At the end of the section there shall be inserted the following subsection:— "(3) In this section the expression "street" shall include land laid out for use as a street.".
Section 30 (Right to demand supply for domestic purposes)	For the proviso to subsection (1) there shall be substituted the following:— "Provided that nothing in the special Act shall be construed as:— (*a*) entitling any person to demand a supply of water from a trunk main; (*b*) requiring the undertakers to supply water for any premises in which any of the water fittings are not in accordance with the requirements of any byelaws made under section 17 of the Water Act 1945 or of any byelaws or regulations made under any other enactment for purposes similar to those for which byelaws may be made under the said section 17, being byelaws or regulations applicable to those premises; or (*c*) entitling any person whose supply of water has been cut off to be reconnected before payment of any arrears due has been made together with the expense incurred in cutting off the supply and together also with the expense of reconnecting the supply as estimated by the undertakers.".
Section 41 (Laying of communication pipes, &c.)	For the proviso to subsection (1) there shall be substituted the following proviso:— "Provided that the undertakers may elect to lay a main in lieu of any

Provisions applied (1)	Modifications (2)
	part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe.". In subsections (2) and (4) for the words "fourteen days" there shall be substituted the words "twenty-one days". For the proviso to subsection (3) there shall be substituted the following proviso:— "Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of a service pipe shall be borne by them.".
Section 43 (Power to break open streets forming boundary of limits of supply)	After the words "and removing" there shall be inserted the words "mains and".
Section 45 (Provisions as to position, &c., of stopcocks)	At the end of the section there shall be inserted the following subsection:— "(3) Where any person has— (*a*) covered over any stopcock fitted on a service pipe or has otherwise obstructed the means of access to any such stopcock; (*b*) caused or permitted any such stopcock to be covered over or the access thereto to be obstructed; (*c*) covered over, damaged or removed any identification mark, plate, post or board installed by the Authority for the location of any such stopcock or any support thereto; or (*d*) caused or permitted any such identification mark, plate, post or board or support to be covered over, damaged or removed, the undertakers may execute such work as they think necessary or expedient for uncovering the stopcock, or removing the obstruction or uncovering, repairing or replacing the identification mark, plate, post, board or support and the undertakers

Provisions applied (1)	Modifications (2)
	may recover from that person summarily as a civil debt the expenses reasonably incurred by them in so doing: Provided that before executing such work in a case described in paragraph (*a*) or (*b*) of this subsection the undertakers shall give such notice to that person as is reasonable and shall allow that person an opportunity to execute that work.".
Section 63 (Power to repair supply pipes)	At the end of subsection (1) there shall be inserted the following proviso:— "Provided that if the undertakers are reasonably satisfied that no person is in the premises and after diligent enquiry they are unable readily to gain entry for the purpose of taking action under the provisions of this subsection, the undertakers may as a preliminary to such action, and (except in case of emergency) after giving not less than three days' notice to the owner or to any occupier of the premises, turn off or cut off the water supplied by them to the premises and in such case, without prejudice to the foregoing provisions of this subsection, they shall restore the said supply at the request of the owner or any occupier.". In subsection (2) for the word "several" there shall be substituted the words "two or more"; the words "belonging to the owners or occupiers of the houses or buildings" shall be omitted; for the words "from the owners of those premises" there shall be substituted the words "from the owners or occupiers of the houses or buildings supplied by the common supply pipe", and for the words "in case of dispute" to the end of the subsection there shall be substituted the words "shall be settled by the Chief Executive or other officer duly authorised in that behalf by the undertakers.".
Section 64 (Penalty for waste, &c., of water by non-repair of water fittings)	The section shall have effect as set out in the Schedule to the Local Government (Miscellaneous Provisions) Act 1953(a) but at the end of sub-section (2) thereof there shall be inserted the following proviso:—

(a) 1953 c. 26.

Provisions applied (1)	Modifications (2)
	"Provided that, if the undertakers are reasonably satisfied that no person is in the premises and after diligent enquiry they are unable readily to communicate with the owner of the premises for the purpose of taking action under the provisions of this subsection, the undertakers may as a preliminary to such action, and (except in case of emergency) after giving not less than three days' notice to the owner or to any occupier of the premises, turn off or cut off the water supplied by them to the premises and in such case, without prejudice to the foregoing provisions of this subsection, they shall restore the said supply at the request of the owner or any occupier.". At the end of the section there shall be inserted the following subsection:— "(3) Where any premises are demolished or appear to the undertakers to be no longer likely to require a supply of water and the undertakers have reason to think that waste of water is occurring or is likely to occur they may, after giving notice to the owner and any occupier thereof, cut off the whole or any part of the communication pipe by which water was supplied to such premises, or any part of the supply pipe which lies in a highway, and may seal any pipe with which the same is connected, and the expense reasonably incurred by them in so cutting off and sealing any part of the supply pipe shall be recoverable by them as expenses incurred under subsection (2) of this section: Provided that the undertakers shall not cut off any pipe to a house or other building in pursuance of this subsection if within fourteen days of service of the said notice information is supplied to them from which it appears that a supply of water will again be required from it within two months or such longer period as is reasonable in the circumstances.".

Provisions applied (1)	Modifications (2)
Section 70 (Meters, &c., to measure water or detect waste)	This section shall be numbered as subsection (1) and at the end of the section there shall be inserted the following subsection:— "(2) This section shall apply to any apparatus affixed, maintained or inserted before the application of this section to the undertaking for the purposes and in the manner specified in subsection (1) of this section as if it had been affixed, maintained or inserted under the powers conferred by this section.".
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) for the words from "with the clerk of the council" to the end of the subsection there shall be substituted the words "with the council of every county and district affected by the special Act".

SCHEDULE 2

REPEALS

Part 1: Kingston-upon-Hull Corporation

Enactment (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
Kingston-upon-Hull Corporation Act 1897(a)	4	Incorporation of general enactments	So much of the section as relates to the Authority
	77	Power to maintain waterworks and supply water	The whole section
	86	Maintenance of common pipe	do.
	87	Supply to courts, alleys, etc.	do.
	91	Register of meter to be evidence	do.
	96	Notice of discontinuance of supply	do.
Kingston-upon-Hull Corporation Act 1901(b)	44	Corporation not bound to supply several houses by one pipe	do.
Kingston-upon-Hull Corporation Act 1903(c)	164	Laying water pipes	do.
	165	Powers to lay pipes in streets not dedicated to public use	do.
Kingston-upon-Hull Corporation Act 1911(d)	12	Subsidiary works	do.
	17	Limiting powers of Corporation to abstract water	do.
	22	Application of Waterworks Clauses Act 1847 to conduits, discharge pipes, telephones, etc.	do.
	23	For protection of Postmaster-General	do.
	24	Powers in relation to water mains	do.
	38	Detection of waste	do.
	41	Notice to Corporation of connecting or disconnecting meters	do.

(a) 1897 c. ccxlix.
(b) 1901 c. cxxiv.
(c) 1903 c. ccxlvi.
(d) 1911 c. lxxxvi.

Enactment (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
	42	Injuring meters, etc.	The whole section
	43	As to communication pipes	do.
Kingston-upon-Hull Corporation Act 1922(a)	19	Power to Corporation to repair communication pipes	do.
	20	Application of Act of 1911	The reference to sections 12, 22 and 23
Kingston-upon-Hull Corporation Act 1933(b)	45	Further power to lay mains	The whole section

Part 2: Sheffield Corporation

Enactments wholly repealed

Enactment (1)	Section (2)	Marginal note (3)
Sheffield Corporation (Consolidation) Act 1918(c)	67	Height of supply
	73	Power to lay pipes in streets not dedicated to public use
	74	Corporation may repair pipes, etc. at expense of consumer
	75	Injuring meters, etc.
	76	Notice to Corporation of connecting or disconnecting meters
	79	As to communication pipes
Sheffield Corporation Act 1928(d)	106	Application of section 35 of Waterworks Clauses Act 1847
	107	Maintenance of common pipe
	108	As to register of water meter
	109	Penalty for closing, etc. valves and apparatus
	110	Penalty for opening etc. valves and apparatus
Ministry of Health Provisional Order Confirmation (Sheffield) Act 1933(e)	11	Special terms for supplies to caravans and huts
	12	Notice of discontinuance
Sheffield Corporation Act 1939(f)	36	As to streets forming boundary of water limits
	37	Separate communication pipes may be required
	38	Corporation to connect communication pipes with the mains

(a) 1922 c. lxxxvi.
(b) 1933 c. lxxvii.
(c) 1918 c. lxi.
(d) 1928 c. lxxxvii.
(e) 1933 c. xix.
(f) 1939 c. ciii.

Enactment (1)	Section (2)	Marginal note (3)
	39	Stopcocks, etc. to be fitted in communication pipes
	40	Power to repair communication pipes
	43	Meters in streets to measure water or detect waste
	44	Extension of power to inspect premises
Sheffield Water (Charges etc.) Order 1956(a)	4	Application of provisions of Third Schedule to the Water Act 1945
	5	Water rates and charges

Part 3: Other Statutory Water Undertakers

Enactment (1)	Section (2)	Marginal note (3)	Extent of revocation (4)
Barnsley Water Order 1960(b)	6	As to telephone or telegraph posts, wires, conductors or apparatus	The whole section
Scarborough Water Order 1960(c)	7	As to telephone or telegraph posts, wires, conductors or apparatus	do.
Calderdale Water Board Order 1961(d)	35	Obstruction to stopcocks, valves, indicator plates, etc.	do.
Craven Water Board (General Powers) Order 1964(e)	6	Cutting off supply to unoccupied premises to prevent waste of water	do.
	7	Cutting off service pipe to premises which are demolished, etc.	do.
	8	Obstruction to stopcocks, valves and indicator boards, etc.	do.
Leeds and Rombalds Water Order 1964(f)	23	Cutting off communication pipes to prevent waste of water	do.
	24	Obstructions to stopcocks, valves and indicator boards, etc.	do.

(a) S.I. 1956/1455. (b) S.I. 1960/1195. (c) S.I. 1960/1567.
(d) S.I. 1961/623. (e) S.I. 1964/1874. (f) S.I. 1964/644.

Enactment (1)	Section (2)	Marginal note (3)	Extent of revocation (4)
Mid-Calder Water Board Order 1965 (a)	44	Obstruction to stopcocks, valves and indicator boards, etc.	The whole section
	49	Cutting off communication pipes to prevent waste of water	do.
Rombalds Water (No. 2) Order 1965 (b)	3	Cutting off service pipe to premises which are demolished, etc.	do.
Northallerton & the Dales Water Order 1966 (c)	3	Modification of section 19 of Third Schedule	do.
Bradford Water Order 1968 (d)	10	Obstructions to stopcocks, valves and indicator boards, etc.	do.
	12	Cutting off communication pipes to prevent waste of water	do.
Bradford Corporation Act 1969 (e)	88	Communication pipes	do.
Northallerton & the Dales Water Order 1971 (f)	4	Amendments to Order of 1962	Paragraph (*a*)(iv) and paragraph (*c*) so far as it inserts new sections 45 and 46

(a) S.I. 1965/2006. (b) S.I. 1965/1645. (c) S.I. 1966/499.
(d) S.I. 1968/2051. (e) 1969 c. xlviii. (f) S.I. 1971/564.

Signed by Authority of
the Secretary of State
29th January 1982.

J. A. L. Gunn,
An Under Secretary in
the Department of the
Environment.

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